

John Mc Ervin et al. Vs. Benjamin Rogers et al.

A session of the Circuit Court of the County of Monroe in the State of Indiana continued and held at the court house in Bloomington to wit on the 7<sup>th</sup> day of May 1866 the following proceedings were had to wit

John Mc Ervin et al. }  
Vs. }

Benjamin Rogers et al. }

Appeal from Survey

Come now the plaintiffs by their attorneys Landen ~~Mc~~ Coy come also the defendants by Buskirk and Broadwell their attorneys and this cause is now submitted to court for trial without intervention of a jury.

The evidence being introduced, and due deliberation had there on, it is adjudged by the court that the Survey made on the 25<sup>th</sup> day of October 1865 by James W. Spencer County Surveyor of Monroe County Indiana, dividing the lands of Charles Ervin John Mc Ervin, Hugh Hemphills heirs, Alexander Given and Robert Hash, from the lands of Benjamin Rogers, Rufus Coats and John Anderson, in Township No. 8 North Range one West in Monroe County Indiana, is illegal and void for the reason that there was no legal notice of said Survey given to the parties interested.

It is therefore by the court that said Survey be set aside and that the plaintiffs recover of the defendants their costs herein, laid out and expended. And it is further ordered by the court that the clerk send a transcript of the Record of this court to the County Survey of Monroe County to be entered as a matter of record by said County Surveyor.

State of Indiana }  
County of Monroe S.S. }

George Sheeks

Clerk of the Monroe Circuit court Certify that the foregoing is true, and full transcript of the order and decree of said Court in the cause therein mentioned as appears of Record in my Office.

Witness my hand and the Seal,  
of said Court this 17<sup>th</sup> day July 1866,  
George Sheeks Clerk